

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Case Nos. 04-40132; 06-12311

Plaintiff-Intervenor

HONORABLE SEAN F. COX
United States District Judge

v.

CINTAS CORPORATION,

Defendant.

ORDER DENYING AS MOOT THE EEOC'S MOTION TO EXCLUDE
THE TESTIMONY OF DEFENDANT'S EXPERT WITNESS [Doc. No. 833]

On December 23, 2005, the Equal Employment Opportunity Commission ("EEOC") filed complaints as an intervening plaintiff in two cases that have been consolidated for pretrial purposes - *Mirna E. Serrano, et al. v. Cintas Corp.* [Case No. 04-40132]; and *Blanca Nelly Avalos, et al. v. Cintas Corp.* [Case No. 06-12311] - alleging that Defendant Cintas Corporation ("Cintas") engaged in discriminatory hiring practices against female applicants in violation of 42 U.S.C. § 2000e-5, also known as a "Section 706" action.

On June 14, 2010, the EEOC filed its instant motion [Doc. No. 833], seeking to exclude the testimony of Cintas' expert, Dr. Mary Baker, including her May 28, 2010 expert report and her June 2, 2010 deposition testimony. Since the time this motion was filed, however, the Court has dismissed all claims brought by the EEOC against Cintas as an intervening party to this action - and the Court did not rely upon the testimony of Dr. Baker in those opinions. Therefore,

the EEOC's instant motion to exclude Dr. Baker's testimony is **DENIED AS MOOT**.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: September 22, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 22, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager